

VIERRA MAGEN  
MARCUS & DENIRO LLP

INTELLECTUAL PROPERTY LAW

575 MARKET STREET • SUITE 2500  
SAN FRANCISCO, CA 94105-2871  
TELEPHONE 415.369.9660  
FACSIMILE 415.369.9665  
WWW.VIERRAMAGEN.COM

September 23, 2009

Richard A. Nebb  
rnebb@vierramagen.com

VIA FACSIMILE 571-273-3698 & 571-273-3695

Mr. Chuck Kendall  
Mr. Tuan Dam  
Group Art Unit 2192  
Unites States Patent & Trademark Office  
Washington D.C.

Re: U.S. App. No. 09/449,021

Dear Mr. Kendall and Mr. Dam:

Applicant believes that the following discussion may help to clarify and resolve the disagreement between the PTO and applicant over what is taught by the cited WebWriter article.

In applicant's reading, the WebWriter article actually discloses **two** distinct page generators: (1) as part of the "WebWriter Editor" for use during editing, and (2) the program named "WebWriter Page Generator" for use at runtime. The Examiner and his Supervisor seem to assume that there is only one page generator disclosed in the article, since they argue that features of the claimed *page generator* are disclosed in the article, without making clear which one they are referring to.

The page generation part of the WebWriter editor (1) produces pages having editing features, but does not run the application being edited. The "WebWriter Page Generator" (2) in turn runs the application but does not produce pages having editing features. In contrast, Claim 1 requires a single page generator that does both.

The "WebWriter Page Generator" is not the page generator of the "WebWriter Editor" (which has its own page generator part). It is the page generator of the WebWriter **system**. WebWriter is a system for web application development having a development time environment (the "WebWriter Editor") and a run-time environment (the "WebWriter Page Generator").<sup>1</sup>

---

<sup>1</sup> "This paper describes WebWriter an integrated system for constructing Web Applications" ... "Webwriter includes a direct manipulation Web page editor, the *WebWriter Editor*" ... "and the *WebWriter Page Generator*, which generates new pages as the application runs." Abstract 4<sup>th</sup> sentence.

The “WebWriter Editor” is a CGI service<sup>2</sup> and the “WebWriter Page Generator” is **another**<sup>3</sup> CGI program. Since CGI programs operate by generating pages, this feature alone mandates that each of the two services include a page generator, and the word “another” used in the text clearly indicates that they are separate services having separate page generators. There is no explicit teaching in the article, much less a hint or suggestion, that the WebWriter Editor is using the WebWriter Page Generator. On the contrary, in the section entitled “Implementation” starting on page 8 right column, there is a sub-section called “The WebWriter Editor” that describes the tree-based page generation method used by the editor (see pp. 8-9), and there is another section called “The WebWriter Page Generator” describing another totally different character by character based page generation method (see p. 9).

- The WebWriter Editor section says: “*Each page generated by the editor contains HTML code that represents the appearance of the current document in the left column*”. (2<sup>nd</sup> paragraph, emphasis added) During editing, the document is stored in form of a content tree, and “*after executing each user specified action, WebWriter generates the next page by traversing the content tree . . .*” (page 8, last paragraph, emphasis added).
- In the WebWriter Page Generator section it says “*The page generator generates a new page on the fly as it scans through the page template. As it reads, it copies each character to its output stream until ...*” (last full paragraph on page 9, left col.) .

The WebWriter Page Generator is used at runtime only<sup>4</sup>, which means after a “Save operation”<sup>5</sup>.

Finally figure 7b shows a page displayed inside the WebWriter Editor, containing placeholders. The WebWriter Page Generator however replaces the placeholders by computed content, so it is clear that it is not the WebWriter Page Generator running during editing but the page generation part of the editor<sup>6</sup>.

---

<sup>2</sup> “The WebWriter Editor is a server based CGI service”, first sentence of “The WebWriter Editor” Section on page 8

<sup>3</sup> “The WebWriter Page Generator, **another** server based CGI C++ **program**” Section “WebWriter Page Generator” on page 9 (emphasis added)

<sup>4</sup> “**When** a WebWriter application is **running**, each new page is assembled by the WebWriter Page Generator” first paragraph of the “WebWriter Page Generator” section on page 9 (emphasis added)

<sup>5</sup> “**Once** a Web Writer application is created and **saved** to disk it can be **run**” p. 6, col. 2 of WebWriter I, in the section entitled “Running the Application” (emphasis added)

<sup>6</sup> “WebWriter then adds a placeholder for the output area [which] will be replaced **at runtime** by the output of a script . . .” (see p. 4, 2<sup>nd</sup> ¶, under heading “Placing Dynamic Areas”, emphasis added).

For example, the examiner recited the “WebWriter page generator” as prior art for “document generator” in claim 1. Applicant submits that “The Web Writer Page Generator” section on page 9 describes the features of the “WebWriter page generator” and it does not describe editing features. The page generation functionality described in the “WebWriter Editor” section is, however, completely separate and does not describe features of the “WebWriter page generator” but only features of the “WebWriter Editor” and the page generation taking place inside the editor.

Applicant further notes that claim 6 was amended to directly require similarity of the runtime and editing time view of a component. When contrasted with WebWriter’s editing time view (Fig. 7b) and runtime view (fig. 6b), the differences become immediately apparent.

Applicant would find it very helpful to know if the examiner or supervisor is still arguing that WebWriter has a single page generator, or if not, what makes the examiner believe that it is the “WebWriter Page Generator” (2) and not the page generation in the “WebWriter Editor” (1) that produces pages with editing features as claimed.

Your prompt action is appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Richard A. Nebb', with a stylized flourish at the end.

Richard A. Nebb  
Attorney for Applicant